

## **REMARKS**

The Applicant has carefully reviewed the Final Office Action mailed January 5, 2009 and offers the following remarks to accompany the above amendments.

Initially, the Applicant wishes to point out that claim 1 has been amended to include the features recited in previously pending claims 3, 4, and 6 and that claim 19 has been amended to include the features recited in previously pending claims 21, 22, and 24. As the subject matter in claims 3, 4, 6, 21, 22, and 24 was previously searched, the Applicant submits that no new issues have been raised that would necessitate a new search and these amendments should be entered.

Claims 1-8, 14, 16-26, 32, and 34-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,603,965 B1 to *Dinkin* (hereinafter “*Dinkin*”) in view of U.S. Patent Application Publication No. 2002/0106994 A1 to *Payne et al.* (hereinafter “*Payne*”) and further in view of U.S. Patent No. 7,184,418 B1 to *Baba et al.* (hereinafter “*Baba*”). Claims 3, 4, 6, 21, 22, and 24 have been cancelled, thereby rendering the rejection of claims 3, 4, 6, 21, 22, and 24 moot. Regarding claims 1, 2, 5, 7, 8, 14, 16-20, 23, 25, 26, 32, and 34-38, the Applicant respectfully traverses the rejection.

When rejecting a claim under 35 U.S.C. § 103, the Patent Office must either show that the prior art references teach or suggest all limitations of the claim or explain why the difference(s) between the prior art and the claimed invention would have been obvious to one of ordinary skill in the art.<sup>1</sup> The gap between the prior art and the claimed invention may not be “so great as to render the [claim] nonobvious to one reasonably skilled in the art.”<sup>2</sup> Here, the Patent Office has failed to show where each and every limitation of the claims is taught or suggested by the prior art. Further, for those limitations of the claims that are not taught or suggested by the prior art, the Patent Office has failed to explain why those limitations would have been obvious to one of ordinary skill in the art. More specifically, claim 1 has been amended to recite a mobile terminal comprising a control system adapted to, among other features, register with a service node in association with a first address when a wired connection is available via a first interface and “register with the service node in association with the second address prior to the wired connection via the first interface becoming unavailable.” Claim 19 has been amended to

---

<sup>1</sup> Examination Guidelines for Determining Obviousness Under 35 U.S.C. § 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, published in the Federal Register, Vol. 72, No. 195, pages 57526-57535.

<sup>2</sup> *Dann v. Johnston*, 425 U.S. 219, 230, 189 U.S.P.Q. (BNA) 257, 261 (1976).

include similar features. The Applicant has reviewed *Dinkin*, *Payne*, and *Baba* and submits that none of the references, either alone or in combination, disclose or suggest registering with a service node in association with a second address prior to a wired connection via a first interface and a first address becoming unavailable. The Patent Office supports the rejection by asserting that *Dinkin* discloses this feature in col. 2, ll. 47-49.<sup>3</sup> The Applicant respectfully disagrees. At most, the cited portion discloses that after a communication link is broken, a new link is initiated.<sup>4</sup> Moreover, *Dinkin* discloses that between the time the link is broken and another link is established, a party is connected to a “virtual” conference room.<sup>5</sup> Thus, if anything, *Dinkin* discloses the exact opposite of what is recited in the claims.

In further rejecting the feature of registering with a service node in association with a second address prior to a wired connection via a first interface becoming unavailable, the Patent Office also cites to Figure 3 of *Payne*.<sup>6</sup> The Applicant respectfully disagrees. At most, Figure 3 of *Payne* discloses determining if a POTS line connection or a LAN connection is present for a mobile phone handset.<sup>7</sup> However, the cited portion does not disclose registering with a service node in association with a second address prior to a wired connection via a first interface becoming unavailable.

The Patent Office also alleges that *Baba* discloses the aforementioned features at col. 5, ll. 9-31.<sup>8</sup> The Applicant respectfully disagrees. At most, the cited portion of *Baba* discloses associating a first temporary IP address and a second temporary IP address with a personal identifier along with sensing movement of a mobile terminal.<sup>9</sup> Nonetheless, the cited portion makes no mention of registering with a service node in association with a second address prior to a wired connection via a first interface becoming unavailable. Accordingly, claims 1 and 19 are patentable over the cited references and the Applicant requests that the rejection be withdrawn. Likewise, claims 2, 5, 7, 8, 14, 16-18, 20, 23, 25, 26, 32, and 34-38, which depend from either claim 1 or claim 19, are patentable for at least the same reasons along with the novel features recited therein.

---

<sup>3</sup> See Final Office Action mailed January 5, 2009, page 5.

<sup>4</sup> See *Dinkin*, col. 2, ll. 47-49.

<sup>5</sup> See *Dinkin*, col. 2, ll. 49-51.

<sup>6</sup> See Final Office Action mailed January 5, 2009, page 5.

<sup>7</sup> See *Payne*, Figure 3 and paragraphs [0039] and [0042].

<sup>8</sup> See Final Office Action mailed January 5, 2009, page 5.

<sup>9</sup> See *Baba*, col. 5, ll. 13-16 and 22-25.

Claims 9-11, 13, 15, 27-29, 31, and 33 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Dinkin* in view of *Payne* and *Baba* and further in view of U.S. Patent Application Publication No. 2004/0259544 A1 to *Amos* (hereinafter "*Amos*"). The Applicant respectfully traverses the rejection.

As noted above, claims 1 and 19, the base claims from which claims 9-11, 13, 15, 27-29, 31, and 33 ultimately depend, are patentable over *Dinkin*, *Payne*, and *Baba*. In addition, *Amos* does not address the previously noted deficiencies of *Dinkin*, *Payne*, and *Baba*. As such, claims 9-11, 13, 15, 27-29, 31, and 33 are patentable over the cited references and the Applicant requests that the rejection be withdrawn.

The present application is now in a condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact the Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By:



Anthony J. Josephson  
Registration No. 45,742  
100 Regency Forest Drive, Suite 160  
Cary, NC 27518  
Telephone: (919) 238-2300

Date: April 3, 2009  
Attorney Docket: 7000-339